

REMARKS

I. Summary of the Office Action and this Reply

Claims 1-11, 13-16 and 28-31 are pending in the application. Claims 12, 17-27 and 32-53 have been withdrawn. Allowable subject matter has been acknowledged in claims 4-11 and 13-16.

The Examiner has rejected claims 1-3 and 28-31 under U.S.C. §102(b), asserting that such claims are anticipated by U.S. Patent No. 4,487,602 to Christensen et al. ("Christensen").

In this Reply, claims 1 and 28 are amended; no new matter is added.

II. Summary of Examiner Interviews

A telephone interview with the Examiner was conducted on October 27, 2006. The pending rejections and cited art were discussed. Agreement was reached that the cited art, particularly Bergman, does not disclose "a retraction mechanism that moves the needle to the retracted position responsive to releasing the base from the site surface", as recited in claim 1.

After issuance of the Office Action dated November 2, 2006, a second telephone interview was conducted with the Examiner. Claim 1 and the Christensen reference were discussed. Applicant asserted that Christensen does not disclose "a retraction mechanism that moves the needle to the retracted position responsive to releasing the base from the site surface". It was agreed that "a retraction mechanism that automatically moves the needle to the retracted position responsive to releasing the base from the site surface" is not disclosed in Christensen.

III. Response to 102 Rejections

The Examiner has rejected claims 1-3 and 28-31 under U.S.C. § 102(b) .

A rejection under 35 U.S.C. §102 is proper only if each and every element of the claim is found in a single prior art reference. MPEP § 2131. The Examiner has rejected claims 1-3 and 28-31 under U.S.C. § 102(b), asserting that each and every element of these claims are found in Christensen.

Claims 1 and 28

Independent claim 1, as amended, recites "a retraction mechanism that automatically moves the needle to the retracted position responsive to releasing the base from the site surface." Independent claim 28 recites "a retraction mechanism that automatically moves the needle from the extended position to the retracted position, the retraction mechanism being configured to begin moving the needle to the retracted position in response to removal of the needle device from the surface."

Contrary to the Examiner's assertion on page 2 of the Action, such a retraction mechanism is neither taught nor suggested by Christensen. As described in Christensen at col. 7, lines 40-51, the Christensen device requires manual cocking of the injection device by gripping and pulling rearwardly on cocking grip 150 to draw the piston rod 84 (and needle 50) to a retracted position. This cocking/retraction does not happen automatically in response to removal of the device from an injection site surface. Further, such cocking/retraction may occur at any time after removal of the device from an injection site surface, or may never occur after removal of the device

from an

injection site surface. Christensen lacks the claimed retraction mechanism, as discussed in the Examiner's interview conducted on November 14, 2006.

For at least this reason, reconsideration and withdrawal of the rejection of claims 1 and 28 are requested respectfully.

Claims 2-3 and 29-31

Claim 2-3 and 29-31 depend from claims 1 and 28, respectively, and are likewise patentable for similar reasons.

Additionally, claim 31 requires that the retraction mechanism "includes a cover member for covering the opening after the needle moves from the extended position to the retracted position." Such a cover is neither taught nor suggested by Christensen, and the Examiner has not asserted otherwise.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 2-3 and 29-31 are requested respectfully.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims 1-11, 13-16 and 28-31 to be patentable and the application in condition for allowance. Applicants respectfully request issuance of a Notice of Allowance. If any issues remain,

the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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